

# **EXHIBIT 9**

1 UNITED STATES DISTRICT COURT  
2 CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION

3 CORY SPENCER, an individual )  
4 DIANA MILENA REED, an individual; )  
and COASTAL PROTECTION RANGERS, )  
5 INC., a California non-profit )  
public benefit corporation, )

6 Plaintiffs, )  
7 )

8 vs. )

Case No. 2:16-cv-  
02129-SJO (RAOx)

9 LUNADA BAY BOYS; THE INDIVIDUAL )  
MEMBERS OF THE LUNADA BAY BOYS, )  
including but not limited to SANG )  
10 LEE, BRANT BLAKEMAN, ALAN JOHNSTON )  
AKA JALIAN JOHNSTON, MICHAEL RAE )  
11 PAPAYANS, ANGELO FERRARA, FRANK )  
FERRARA, CHARLIE FERRARA, and )  
12 N. F.; CITY OF PALOS VERDES )  
ESTATES; CHIEF OF POLICE JEFF )  
13 KEPLEY, in his representative )  
capacity; and DOES 1-10, )

VOLUME III

14 Defendants. )  
15 )  
16 )

17 VIDEOTAPED DEPOSITION OF THE CITY OF PALOS VERDES

18 ESTATES BY AND THROUGH SHERI REPP LOADSMAN

19 Thursday, July 13, 2017 1:46 p.m.

20  
21 REPORTED BY: Debra Kottke, CSR #7422, RPR, CCRR

22  
23 ATKINSON-BAKER, INC.  
24 COURT REPORTERS  
(800) 288-3376  
25 www.depo.com  
FILE NO.: AB074C9

1 Q. Yes.

2 A. No.

3 Q. Are there some things in beach and surfing  
4 that you're knowledgeable about?

5 A. Yes. 13:49:13

6 Q. Which ones?

7 A. I'm familiar with the posting on the city's  
8 website. I'm familiar with various access points and

9 recreational opportunities on the beaches. Limited  
10 familiarity with surfing beaches. No knowledge on 13:49:29  
11 the surfers. No knowledge on the police officers.  
12 Knowledge about the city's coastal regulations.

13 Limited knowledge on training for the police  
14 officers. Knowledge on the historical and current  
15 unpermitted structures along the coastline. I do 13:49:54

16 have information on the patio, the rock fort on  
17 Lunada Bay. Familiar with communications with the  
18 Coastal Commission. I kept wanting to say  
19 communication. And then familiar with some  
20 communication with the Coastal Commission as well. 13:50:12

21 Q. What is your current job with the city?

22 A. I am the Deputy City Manager. I'm also the  
23 Director of Planning Building and Safety.

24 Q. Have you ever had your deposition taken  
25 before? 13:50:27

1 back to high school unless there's something  
2 particular.

3 A. Unless you really want, probably the most  
4 important would be a Master's degree in Urban  
5 Planning from UCLA. 13:53:53

6 Q. And when did you attain that?

7 A. 1982. Is that right? No, '84. I was  
8 thinking Bachelor's degree versus Master's degree.

9 Q. And where did you obtain your Bachelor's  
10 degree? 13:54:12

11 A. Bachelor's degree is from Cal State Long  
12 Beach.

13 Q. And what was that in?

14 A. Social work.

15 Q. And in terms of -- do you have any special 13:54:26  
16 training related to the California Coastal Act?

17 A. No.

18 Q. As it relates to the rock fort or patio that  
19 was down at Lunada Bay, when was your first  
20 contact -- to your knowledge, when was the city's 13:55:08  
21 first contact with the Coastal Commission about that  
22 structure?

23 A. In terms of the most recent activity  
24 because, again, I've only been there since 2014.

25 Q. To the extent that you know, and if you can 13:55:22

1 A. It did go to a vote.

2 Q. And was there, does it work by Roberts Rules  
3 of Order? Does someone say, I suggest we take the  
4 staff person's recommendation but modify it and not  
5 apply the rock boulders to Lunada Bay, or how does 14:10:39  
6 that work?

7 A. It's basically similar to Roberts Rules,  
8 correct. So, they basically discuss, deliberate,  
9 have a motion.

10 Q. Okay. 14:10:48

11 A. They can either accept, modify, deny,  
12 continue, all the basic options.

13 Q. And so, in that case they modified the staff  
14 recommendation?

15 A. That is correct. 14:10:56

16 Q. Do you remember any of the public  
17 participants who might have made comments during that  
18 particular staff meeting?

19 A. I don't remember their names but there were  
20 a number of residents who did testify. 14:11:11

21 Q. Do you recall, was there a resident and I'm  
22 trying to -- was it a parklands committee member or a  
23 resident that may have said we don't want to be too  
24 welcoming in Lunada Bay.

25 Do you recall that? 14:11:29

1 A. I don't remember exactly who said something  
2 similar to that but I know a number of residents did  
3 not like the idea of having the boulders there.

4 Q. With the idea of not wanting to be too  
5 welcoming? 14:11:40

6 A. Well, I'm not sure they ever said the term,  
7 welcoming. I think it's basically the consideration  
8 of loitering. And frankly, I think a lot of

9 consideration was just maintaining the open and  
10 undisturbed space. We find that residents get very 14:11:54  
11 concerned about anything that might obstruct view,  
12 whether it's landscaping or rocks.

13 Q. Where the rock seating, though, is  
14 relatively low, would it obstruct a view?

15 A. Oh, it could potentially obstruct some view. 14:12:11  
16 I mean, just because they're tall enough that they  
17 could be within a view line. I had somebody argue  
18 over 18-inch plants recently on the bluff, so --

19 Q. And then the topic of localism and the  
20 Coastal Commission, do you recall when that first 14:12:35  
21 came up?

22 A. Well, the issue of localism I believe was  
23 being brought up in 2014.

24 Q. By the Coastal Commission?

25 A. Not necessarily by the Coastal Commission 14:12:49

1 reviewed that letter in a long time so I don't  
2 remember all of the content.

3 Q. Okay. Do you remember who that discussion  
4 might have been with?

5 A. Chief Kepley, myself, the city manager. 14:16:51

6 Q. Anybody else?

7 A. I don't remember who else would have been in  
8 that meeting. Possibly the city engineer.

9 Q. In terms of the localism issue as it  
10 surfaced, do you recall there being a guardian video 14:17:16  
11 that was published related to comments made by one of  
12 the community service officers, Kathryn Plasik?

13 A. I'm not familiar with it.

14 Q. Has the city done any investigation in terms  
15 of how long the rock fort structure had been in its 14:17:43  
16 current condition prior to demolition?

17 A. Well, when you use the term, current  
18 condition, it's been modified over the years.

19 Q. Can you tell me how the city understands  
20 it's been modified over the years? 14:18:00

21 A. We've seen historical photographs. In fact,  
22 I've looked at a lot of photographs so I've seen it  
23 basically transform from a fairly simple platform and  
24 ultimately a bench being added, then a shade  
25 structure, then a table, a barbecue, then an annex. 14:18:15

1 Then the annex got a shade structure, right. So, it  
2 just seemed to continue to grow.

3 Q. And was that part of a report that was  
4 provided to the city council at some time? Did the  
5 city hire someone to put together a report on that 14:18:36  
6 structure?

7 A. We did. We did hire a company to do the  
8 geotechnical report and so they compiled a lot of the  
9 historical photographs as well.

10 Q. Had you seen those historical photographs 14:18:47  
11 before that report was put together?

12 A. Many of them, right.

13 Q. Okay. How did you have the access to those  
14 historical photographs?

15 A. There's different resources available for 14:18:57  
16 historic photographs.

17 Q. Which ones would you have used?

18 A. Well, one that I've used in the past is  
19 called historicaerials.com. Go figure. They're not  
20 the best quality but I've used it in the past just to 14:19:11  
21 be able to see whether or not there's something  
22 there, you know, because people will claim, well, I  
23 didn't have an accessory building in my back yard.  
24 Well, what's that.

25 Q. And then in terms of the historical aerials, 14:19:22



1 Q. And at the ones at Lunada Bay, is there one  
2 on the street a smaller sign?

3 A. Yes.

4 Q. And then there is the larger sign that's  
5 dropped down below the blufftop by ten feet or so? 14:41:41

6 A. Yes. There's also one additional sign in  
7 Lunada Bay and that's one that's dealing with  
8 unstable area. We have an area, there's a storm  
9 water outlet that comes through Lunada Bay. It's  
10 kind of centralized to the bay and there's a portion 14:42:01  
11 of the bluff which would be located on the north side  
12 and it actually has a small opening so you can see  
13 there's a little bit of a crevasse starting which is  
14 the suggestion that at some point that section of the  
15 bluff is going to have a failure. 14:42:16

16 Q. Okay. So, there's a sign that has a  
17 warning?

18 A. Basically as a warning to the residents or  
19 anybody else, the public who might be in the area.  
20 They won't fall into it but they could fall if they 14:42:28  
21 put their foot into it.

22 Q. In terms of the process to remove the rock  
23 fort, was that bid out?

24 A. Yes.

25 Q. Were there many responders to that request 14:42:52

1 for proposal?

2 A. Gosh, I don't remember how many responders  
3 there were, but that was handled through engineering.

4 Q. Do you remember the name of the company that  
5 responded to that? 14:43:05

6 A. Oh, good question. No, I don't. I remember  
7 watching.

8 Q. I saw a video.

9 A. Helicopter was interesting.

10 Q. Yes. Do you recall, related to that, I 14:43:15  
11 understand some of the contractor's equipment was  
12 vandalized or destroyed or do you have that  
13 understanding or would that have come to you?

14 A. Yes, that is my understanding. I actually  
15 saw it. 14:43:31

16 Q. And what had happened?

17 A. The generator had been lowered to the  
18 shoreline and somebody had decided to set it alight.

19 Q. So, sounds like there was an arsonist that  
20 burned this generator? 14:43:48

21 A. Yeah, sounds like a little bit of vandalism  
22 going on.

23 Q. Do you have any information on whether they  
24 determined who had done that?

25 A. No. 14:44:04

1 Q. Was there any other vandalism to the  
2 contracting company's equipment, whether it be cars  
3 or -- that you're aware of?

4 A. I think there was another piece of vehicle  
5 that I think was scratched and I remember the 14:44:16  
6 vandalism primarily to the generator because that was  
7 the big ticket item.

8 Q. Was it destroyed?

9 A. Likely.

10 Q. Outside of the police department under what 14:44:52  
11 you do, has there been any effort to address the  
12 issue of localism kind of away from policing, whether  
13 it be communication to the public in terms of  
14 outreach or signs or that type of thing so the public  
15 would know that it's a public beach and welcome? 14:45:09

16 A. Well, the public is always welcome. I don't  
17 believe there's any need to do anything further. The  
18 localism issue is with the police department.

19 Q. Okay. And then has any other city  
20 department had outreach to people that might want to 14:45:27  
21 use that beach to know that they would be safe or  
22 it's a public beach and that the city welcomes  
23 visitors?

24 A. Well, I know for myself I've spoken to a  
25 number of individuals and primarily kids who are in 14:45:42

1 MR. FRANKLIN: We've been going for a while.

2 When you get a point for a transition, just take a  
3 short break.

4 MR. FRANKLIN: We can do that now, that's great.

5 VIDEO OPERATOR: We are going off the record at 15:01:58  
6 3:01 p.m.

7 (Short break taken from 3:01 p.m. to 3:09 p.m.)

8 VIDEO OPERATOR: We are back on the record at  
9 3:09 p.m.

10 BY MR. FRANKLIN: 15:10:11

11 Q. And I just wanted to go back to this and I  
12 think I had this understanding. In terms of training  
13 of city police officers on the city's coastal  
14 ordinances, whether it's the LCP, the shoreline  
15 preserve master plan or their tidelands grant, your 15:10:28  
16 office has not made any effort to teach them about  
17 that, or am I wrong?

18 A. There's not a specific training. There has  
19 been conversations with certain captains about  
20 preservation of the area and it just -- and just 15:10:45  
21 reporting whether the officers observe any type of  
22 graffiti, any type of debris, anything that needs to  
23 be addressed.

24 Q. So, conversations but no training?

25 A. Conversations and training are often 15:11:01

1 similar.

2 Q. Is it fair to say no formal training?

3 A. No formal training.

4 Q. And with respect to your communication or  
5 the city's communication with the California Coastal 15:11:20  
6 Commission, was there an update to the Coastal  
7 Commission following removal of the rock fort?

8 A. There were discussions with the Coastal  
9 Commission. We provided them notice so they knew of  
10 the city's approval of the coastal development permit 15:11:38  
11 and I believe the Coastal Commission sent us a letter  
12 afterwards acknowledging the removal.

13 Q. And so, after the removal has there been any  
14 other communication with the Coastal Commission?

15 A. I have not had communication with them for a 15:11:55  
16 number of months, not relative to Lunada Bay.

17 Q. And have you had, has the city had  
18 communication with the Coastal Commission with  
19 respect to addressing the issue of localism since  
20 removal of the rock fort? 15:12:12

21 A. I have not had communication with them.

22 Q. And so, as the person designated as the most  
23 knowledgeable person for the city on this particular  
24 question, you're not aware of anybody else having any  
25 communication? 15:12:30

DECLARATION UNDER PENALTY OF PERJURY

\* \* \*

I hereby declare under penalty of perjury under the laws of the State of California that the foregoing is my deposition under oath; are the questions asked of me and my answers thereto; that I have read same and have made the necessary corrections, additions or changes to my answers that I deem necessary.

In witness thereof, I hereby subscribe my name this \_\_\_\_\_ day of \_\_\_\_\_, 2017 at \_\_\_\_\_, California.

\_\_\_\_\_  
SHERI REPP LOADSMAN

1 STATE OF CALIFORNIA )

2 ) ss.

3 COUNTY OF ORANGE )

4

5 I, DEBRA KOTTKE, Certified Shorthand Reporter,  
6 Certificate No. 7422, for the State of California,  
7 hereby certify:

8 I am the deposition officer that  
9 stenographically recorded the testimony in the  
10 foregoing deposition;

11 Prior to being examined, the deponent was by me  
12 first duly sworn;

13 The foregoing transcript is a true record of the  
14 testimony given;

15 Before completion of the deposition, review of  
16 the transcript [ ] was [ X] was not requested. If  
17 requested, any changes made by the deponent (and  
18 provided to the reporter) during the period allowed  
19 are appended hereto.

20

21 Dated: July 18, 2017.

22

23

24

25

Debra Kottke  
Debra Kottke, CSR #7422, RPR, CCRR